

REMARKS

INTERVIEW SUMMARY

On March 4, 2009, the undersigned conducted a telephone interview with Examiner MacArthur for the purpose of advancing prosecution of this patent application. In this interview, the undersigned argued that in the embodiment 360 illustrated in FIGS. 38 and 39 of US 2003/0030310, the bottom portion 372 of the frame 362 prohibits direct pushing motion from being applied to the manipulation portion of the lever as required by then independent claims 41 and 56. Examiner MacArthur was not persuaded by this argument and instead relied on FIG. 38, which does not appear to show the bottom portion 372 of the frame 362, to maintain the rejection. The subject RCE, which canceled claims 41-60 in favor of newly presented and now presently pending claims 61-76, was timely filed following this interview.

In the present Office Action, claims 61-76 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not disclosed in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the claim 61 limitation "the biasing member extending between the top surface of the frame and the lever" is cited as failing to be supported by applicants' specification. Applicants respectfully traverse this rejection.

At page 13, lines 5-8 of applicants' specification, and with specific reference to FIG. 9, the frame 113 is disclosed as having "a top surface 170 and a pair of generally

downwardly projecting and spaced-apart side surfaces 171 and 172. Sides 171 and 172 are generally perpendicular to top surface 170 . . .” Thereafter at page 13, lines 12-14, applicants’ specification recites a “top opening 173 formed through the top surface 170.”

At page 16, lines 12-14, applicants’ specification recites a lever 114 that “is generally S-shaped and is sandwiched between side walls or surfaces 171 and 172.” Thereafter at page 16, lines 24-26, applicants’ specification recites a spring 69 that “illustratively acts between top surface 170 of frame assembly 113 and the spring mount or contact portion 117 of lever 114 to urge the lever to the closed position . . .”

It should be apparent from the foregoing passages of applicants’ specification that the various components of the frame assembly 113 of the embodiment 110 illustrated in FIGS. 6-10 are described interchangeably in terms of “surfaces”, “walls” and/or the components themselves. For example, as set forth above, the sides 171 and 172 are specifically yet interchangeably described at pages 13 and 16 of applicants’ specification as surfaces, side walls and sides. Similarly with respect to the top surface 170, it should be understood that applicants’ specification refers with this term generally to the top or top wall of the frame assembly 113 that extends between and joins the side surfaces, side walls or sides 171, 172 rather than exclusively to the outer, top-most or top-side surface of the frame assembly 113. For example, while applicant’s specification recites at page 13, lines 12-14, a “top opening 173 formed through the top surface 170,” it is clear from FIGS. 8A, 8B and 9 that the top opening 173 is formed through the entirety of the top or top wall 170 of the frame assembly 173 and not just

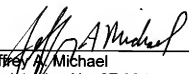
through the outer, top-most or top-side surface of the top wall of the frame assembly
113.

As set forth above, the claim 61 limitation "the biasing member extending between the top surface of the frame and the lever" is strictly supported at page 16, lines 24-25 of applicants' specification. Accordingly, applicants' respectfully request withdrawal of the 35 U.S.C. § 112, first paragraph, rejection of claims 61-76.

Applicants believe that claims 61 – 76 are in condition for allowance, and such action is solicited. The Examiner is cordially invited to contact the undersigned by telephone to discuss any unresolved matters.

This paper should further be considered as a petition for a two-month extension of time for responding to the outstanding Office Action. As set forth in the enclosed Assertion of Small Entity, the entity status of the owner by assignment of this patent application has changed from large entity to small entity, and any fees due in connection with this patent application are therefore now small entity fees. Accordingly, the Commissioner is hereby authorized to charge the small entity fee of \$245 for this two-month extension of time to Deposit Account 10-0435, matter number 2835-74916, but not to include any payment of issue fees. If any additional fees are due, the commissioner is authorized to charge any such additional fees, other than issue fees, to Deposit Account 10-0435

Respectfully submitted,



Jeffrey A. Michael
Registration No. 37,394
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, Indiana 46204-3335
Telephone: (317) 231-7771
Fax: (317) 231-7433